

UNITED STATES OF AMERICA
POSTAL REGULATORY COMMISSION
WASHINGTON, DC 20268-0001

Before Commissioners:

Ruth Y. Goldway, Chairman;
Robert G. Taub, Vice Chairman;
Mark Acton;
Tony Hammond; and
Nanci E. Langley

Modification of Mail Classification Schedule
Regarding Philatelic Sales and
Officially Licensed Retail Products

Docket No. MC2013-49

PUBLIC REPRESENTATIVE COMMENTS
CONCERNING CLASSIFICATION CHANGE REGARDING PHILATELIC SALES AND
OFFICIALLY LICENSED RETAIL PRODUCTS

(May 23, 2013)

On May 13, 2013, pursuant to 39 C.F.R. §§ 3020.90 and 3020.91, the Postal Service filed a notice of classification change regarding Philatelic Sales and Officially Licensed Retail Products (ORLP) along with an Attachment illustrating the proposed change to the Mail Classification Schedule (MCS).¹ In its Notice, the Postal Service proposes to exempt prices established by auctions from the maximum price limits that otherwise apply for two nonpostal services: Philatelic Sales and OLRP.² The Postal

¹ Notice of the United States Postal Service of Classification Change Related to Philatelic Sales and Officially Licensed Retail Products, May 13, 2013 (Notice).

² Philatelic items are stamp-related items that support the hobby of stamp collecting; examples include first day covers, ceremony programs, uncut press sheets, and framed stamps. Attachment at 1.

Service does not indicate a proposed effective date for the changes, but 39 C.F.R. § 3020.91 provides that a notice must be filed no later than 15 days prior to the effective date of the proposed change. The Public Representative finds the Postal Service's proposed change to be in accordance with applicable law and the interest of the general public.

With respect to Philatelic Sales and OLRP, the Postal Service maintains prices established by auctions should be exempt from the maximum price limits that would otherwise apply, as the auction process is a fair mechanism for determining a price, and auction results are beyond the control of the Postal Service. Notice at 1. The Postal Service correctly points out that it would be impractical to use auctions if a maximum price limit were imposed. *Id.*

The revision proffered by the Postal Service to the MCS is not subject to 39 U.S.C. § 3642, as it does not involve new products, seek to add or remove a product from a product list, or transfer a product between the market dominant and competitive product lists. *Id.*, 39 U.S.C. § 3642.

The Public Representative has reviewed the Postal Service's Notice, and accompanying Attachment, and concludes the requested change to be minor in nature and in the interest of the general public.

Philatelic items are part of the Market Dominant Products List. *Id.* Officially Licensed Retail Products are merchandise sold through Postal Service retail channels that relates to mail, governmental services provided at the Post Office, or stamp images, or contains the United States postal brand. *Id.*, at 2. OLRP is part of the Competitive Products List.

The Public Representative respectfully submits the foregoing comments for the Commission's consideration.

Respectfully Submitted,

/s/ Tracy N. Ferguson
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